

REMARKS

Claims 1, 3, 5-11 and 13-23 are pending and at issue in the application with claims 1, 11 and 17 being independent claims. Claims 1, 11 and 17 have been amended. Claim 23 has been added. As a result, 3 independent claims remain in the application as previously paid for, and 20 total claims remain in the application as previously paid for. This response is being timely filed with a two-month extension of time and fee of \$460.00. The applicants believe no additional fee is due. However, the Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 13-2855. Reconsideration and withdrawal of the rejections in view of the remarks below is respectfully requested.

The applicants respectfully traverse the rejections of claims 1, 3, 5-11 and 13-22 under 35 U.S.C. §102(e) as anticipated by Keyes, IV et al. (U.S. Patent Application Publication No. 2006/0142875) in light of the above amendments.

Each of claims 1, 3, 5-11 and 13-23 recites a system, method or device that detects the occurrence of a predetermined process event and stores sensor data received from the sensor at the occurrence of the predetermined process event. The stored sensor data includes sensor data collected prior to the occurrence of the predetermined process event. Independent claims 1, 11 and 17 have been amended to more clearly demonstrate that the storage of the received sensor data is predicated upon the detection of the occurrence of the predetermined process event. Keyes, IV et al. does not disclose or suggest these features.

In particular, Keyes, IV et al. does not disclose that data from the sensors is stored in the memory 18. Keyes, IV et al. discloses that the memory 18 stores ***routines*** for data acquisition and monitoring, but does not disclose that the data acquired from the routines is stored in the memory 18. For example, the action cites paragraph [0023] as disclosing the recited memory that stores sensor data. However, paragraph [0023] simply states that the device 10 of Keyes, IV et al. includes a memory 18, and makes no mention of storing sensor data in the memory 18:

FIG. 1 is an exemplary schematic block diagram of an appendable or attachable device 10 that may be used to perform data acquisition activities, data analysis activities and/or control activities such as, for example, monitoring or controlling a piece of equipment a process and/or a system. As shown in FIG. 1, the appendable device 10 includes a housing 12 in which a transceiver 14, a processor 16, **a memory 18** and an input/output (I/O) interface 20 are disposed. The appendable device 11 may also include an internal power source 22, an antenna 24, one or more internal sensors 26 and 28 and one or more external sensors 30 and 32. Additionally, one or more sensors 34 and 36 and/or other devices may be field wired or otherwise electrically coupled to the appendable device 10 via a connection or termination portion 38. The connection or termination portion 38 enables a field technician or any other person to connect additional or different sensors or other devices to the appendable device 10, to replace damaged or failing sensors and other devices, etc. Still further, one or more control outputs 40 and 42 such as, for example, relays, contactors, analog voltage or current outputs, frequency outputs, etc. may be connected either directly or via the termination portion 38 to the appendable device 10. (Emphasis added).

Indeed, paragraph [0024], which immediately follows, states that the memory 18 stores software routines 44 for data acquisition or monitoring activities, but does not further disclose that the memory 18 stores the data acquired from the sensors 26-36 as a result of the data acquisition or monitoring routines:

In general, the processor 16 may execute ***one or more software routines 44 stored in the memory 18 to perform data acquisition or monitoring activities***, data analysis activities and/or control activities. For example, one or more of the sensors 26-36 may convey electrical signals or information to the processor 16 via the I/O interface 16. In turn, the processor 16 may process these electrical signals or information and, as described in greater detail in connection with FIG. 2, may send some or all of the processing results to a controller or workstation and/or to one or more other appendable devices via the transceiver 14 and the antenna 24. Alternatively or additionally, the processor 16 may send control signals or other signals to one or more of the control outputs 40 and 42 via the I/O interface 20 to carry out control activities such as, for example, turning a motor on or off, varying the speed of a motor, opening or closing a valve, a damper actuator or some other operator, etc. (Emphasis added).

This distinction is further supported by paragraphs [0038] and [0039] of Keyes, IV et al., in that they discuss the relationship between the memory 18 and the processor 16, but make no mention of the memory 18 storing sensor data.

The action also cites paragraph [0067] as disclosing the recited memory, but it is clear that this passage refers to the workstation 110 rather than the device 10, such that any memory referred to is that of the workstation 110 and not the device 10:

FIG. 3 is an exemplary functional block diagram that depicts one possible logical configuration 200 *of the workstation 110* shown in FIG. 2. In this example, *the workstation 110* is configured as a web server having a configuration service 202, a real time data service 204, a communications block 206, a control block 208, a database 210 and an events service 212. Additionally, *the server 110* may receive device profiles and/or configuration information 214 from one or more appendable devices. (Emphasis added).

Even if the memory 18 of the device 10 were to store sensor data received by the processor 16 (of which there is no supporting disclosure in Keyes, IV et al.), or if the workstation/server 110 were to store the sensor data received by the processor 16 (of which the workstation/server 110 is not part of the device 10), Keyes, IV et al. still does not disclose storing the received sensor data if the occurrence of a predetermined process event is detected, as recited in claims 1, 3, 5-11 and 13-23. Simply put, the storage of data received from the sensors 26-36 in Keyes, IV et al. is not predicated upon, or otherwise triggered by, detecting the occurrence of a predetermined process event.

For example, while Keyes, IV et al. discloses data acquisition or monitoring (paragraph [0024]), any storing of the acquired data is not triggered by the occurrence of a predetermined process event. Instead, the sensor data of Keyes, IV et al. is simply acquired as part of the normal control operation. For example, paragraphs [0024], [0026], [0027] and [0069] explain how sensor data is collected as part of the normal control operation of the data acquisition software (i.e., “The real-time data service 204 may enable the server 110 to continuously monitor parameters sensed by one or more appendable devices, ...”) (paragraph [0069]), but does not further disclose that the data is stored as the result of detecting the occurrence of a predetermined process event.

Even if one were to consider a command to execute the data acquisition or monitoring software as a predetermined process event, Keyes, IV et al. would still be unable to disclose storing sensor data at times prior to the detected occurrence of a predetermined process event,

as recited in claims 1, 3, 5-11 and 13-23. Logically, if the data acquisition or monitoring software is not yet executed, then no sensor data has been received by the processor 16 prior to the command to execute the data acquisition or monitoring software. Accordingly, such a command cannot correspond to the recited predetermined process event.

While Keyes, IV et al. discloses various other commands and detection of events (e.g., alarms), none of these commands or events are disclosed as triggering events for storing the data received from the sensors. For example, while the device 10 may perform an alarm function upon detecting an event (see paragraph [0025]), Keyes, IV et al. does not disclose storing sensor data *as a result of* detecting the occurrence of the event causing the alarm. Any sensor data that is collected and potentially stored during the occurrence of the event is done so as part of the normal control operation of the device 10, and not predicated on detecting the occurrence of the event, as recited in claims 1, 3, 5-11 and 13-23.

While the action cites paragraph [0066] as disclosing the recited memory storing sensor data at times prior to the occurrence of the predetermined process event, a reading of paragraph [0066] does not support this contention. Indeed, paragraph [0066] simply discloses various applications for the device 10, such as process control, data management, predictive control, vineyard applications, farming applications, hospital applications and drainage applications. The cited paragraph makes no mention whatsoever of storing sensor data at times prior to the detected occurrence of a predetermined process event.

Accordingly, it becomes clear from reading the disclosure of Keyes, IV et al. that while various components (e.g., memory 18, processor 16, sensors 26-36) and functions are disclosed (e.g., detecting events, process commands, acquiring sensor data, etc.), these components and functions are not arranged in the same manner as provided in claims 1, 3, 5-11 and 13-23. That is, the memory 18 does not store sensor data, and detected events or process commands do not trigger storing the acquired sensor data, much less sensor data at times prior to the detected occurrence of the event or command. While it is well-established that MPEP 2131 requires that a claim can only be anticipated if each and every element as set forth in the claim is found in a signal prior art reference, MPEP 2131 further requires that the

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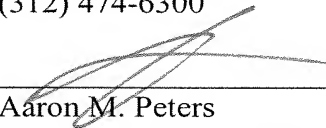
elements must be *arranged as required by the claim*. (See *In Re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)). Accordingly, Keyes, IV et al. cannot anticipate or render obvious any of claims 1, 3, 5-11 and 13-23. As such, claims 1, 3, 5-11 and 13-23 are patentable over Keyes, IV et al.

For the foregoing reasons, reconsideration and withdrawal of the rejections of the claims and allowance thereof are respectfully requested. Should the examiner wish to discuss the foregoing, or any matter of form, in an effort to advance this application towards allowance, the examiner is urged to telephone the undersigned at the indicated number.

Respectfully submitted,

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